

MEMORANDUM

TO: Mark Thatcher, Executive Director for POST
Winnie Ore, Chair for POST
POST Council

FROM: Deborah F. Butler
Assistant Attorney General
Counsel for POST

RE: Continuing Education for Coroners
DATE: March 5, 2007

It has come to my attention that there is a question regarding continuing education for Coroners and the timing of any extension that might be requested.

The controlling statute and ARM are set forth as follows:

§ 7-4-2905. Coroner education and continuing education. (1) Coroner education must be conducted by the board of crime control. The board may adopt rules establishing standards and procedures for basic and advanced education. The cost of conducting the education must be borne by the department of justice from money appropriated for the education. The county shall pay the salary, mileage, and per diem of each coroner-elect, coroner, and deputy coroner attending from that county.

(2) (a) The board shall conduct a 40-hour basic coroner course of study after each general election. The course, or an equivalent course approved by the board, must be completed before the first Monday in January following the election. The board may conduct other basic coroner courses at times it considers appropriate.

(b) The board shall annually conduct a 16-hour advanced coroner course. Unless there are exigent circumstances, failure of any coroner or deputy coroner to satisfactorily complete the advanced coroner course, or an equivalent course approved by the board, at least once every 2 years results in forfeiture of office. The board may adopt rules providing a procedure to extend the 2-year period due to exigent circumstances.

History: En. Sec. 4, Ch. 367, L. 1987; amd. Sec. 1, Ch. 118, L. 1993; amd. Sec. 1, Ch. 24, L. 1995.

**23.14.901 CORONER EDUCATION AND CONTINUED EDUCATION AND
EXTENSION OF TIME LIMIT FOR CONTINUED CERTIFICATION**

- (1) Coroner education shall be conducted by the board of crime control as set forth in 7-4-2905, MCA.
 - (2) The board of crime control, through the POST council, may extend the 2 year time limit requirement for the continuation of coroner's certification, set forth in 7-4-2905, MCA, upon the written application of the coroner or the appointing authority of the deputy. The application must explain the circumstances which necessitate the extension.
 - (3) Factors considered in granting or denying an extension include, but are not limited to:
 - (a) illness of the coroner/deputy coroner or his/her immediate family member;
 - (b) absence of reasonable access to the coroner's advanced course; or
 - (c) an unreasonable shortage of personnel.
 - (4) The council may not grant an extension to exceed 180 days.
 - (5) The council will not grant extensions after the expiration of the two year time limit.
- (History: Sec. 7-4-2905 MCA; IMP, Sec. 7-4-2905 MCA; NEW, 1996 MAR p. 271, Eff. 1/26/96.)

Coroners are required to obtain 16 hours of continuing education every two years. Should they fail to obtain this continuing education, they shall forfeit their office as coroner (or deputy coroner). The statute allows the Board of Crime Control to adopt rules to allow for a procedure to extend that 2-year period, but only under exigent circumstances. The Board promulgated the ARM stated above.

The ARM indicates that the POST council may extend the 2-year time limit under certain circumstances:

1. Written application made prior to the expiration of the 2-year time limit
2. The written application must explain the circumstances which give rise to the request
3. The extension may not exceed 180 days

A coroner could request from POST a 180 day extension to obtain this continuing education every reporting period, should circumstances exist that would prevent them from attending the required continuing education for that reporting period. That request must be in writing and must be received by POST prior to the expiration of that two year time limit. Further, the date they obtained their basic coroner training does not figure into the discussion regarding continuing education except to give a starting date for the continuing education requirement.

For example: Basic Coroner attended 12/1999 and the coroner takes office 1/1/2000. That coroner would have until 1/1/2002 to obtain 16 hours worth of continuing education. If during 12/2001 it appeared that they would not be able to attain the full number of required hours prior to 1/1/2002 a written request for a 180 day extension would have to be received by POST prior to 1/1/2002 to obtain the extension. They then would have 180 days to obtain the education. Regardless of the extension, the coroner in this example would still have to obtain 16 hours of continuing education prior to 1/1/2004 (or obtain a 180 day extension) to continue as the coroner (or deputy coroner).

In the event that the coroner fails to obtain their required continuing education or fails to request the 180 day extension prior to the 2-year time limit expiring, that coroner (or deputy coroner) would be required to forfeit their position.